

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Hartford Accident and Indemnity Company,)	C/A No.: 3:15-240-TLW-SVH
)	
)	
Plaintiff,)	
)	
vs.)	
)	ORDER
Wateree Construction Company, Inc;)	
and Derek S. Zeigler,)	
)	
Defendants.)	
)	


On January 16, 2015, Hartford Accident and Indemnity Company (“Plaintiff”) filed a complaint against Wateree Construction Company, Inc. and Derek S. Zeigler (“Zeigler”) (collectively “Defendants”). [ECF No. 1]. On November 4, 2016, Plaintiff filed a motion for summary judgment against Defendants. [ECF No. 42]. On November 14, 2016, this matter was referred to the undersigned. The undersigned entered an order pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), on November 14, 2016, advising Zeigler of the importance of the motion for summary judgment and of the need for him to file an adequate response by December 19, 2016. [ECF No. 46]. Zeigler was specifically advised that if he failed to respond adequately, Plaintiff’s motion may be granted. *Id.*

Notwithstanding the specific warning and instructions set forth in the court’s *Roseboro* order, Zeigler failed to properly respond to the motion. As such, it appears to the court that he does not oppose the motion and does not oppose an entry of judgment against him in this action. Based on the foregoing, Zeigler is directed to advise the court

whether he opposes Plaintiff's motion for summary judgment and to file a response to Plaintiff's motion by February 1, 2017. Zeigler is further advised that if he fails to respond, the undersigned will recommend judgment be entered against him based on his failure to defend. *See Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.

January 18, 2017
Columbia, South Carolina



Shiva V. Hodges
United States Magistrate Judge